

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-35989
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: June 19, 2013
County: Wayne (82-17)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

SETTLEMENT ORDER

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on June 19, 2013, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Whether the Department properly denied Claimant's June 27, 2012, Medical Assistance (MA) application with retroactive coverage to March 2012.

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On June 27, 2012, the AHR, as Claimant's authorized representative (AR), filed an MA application for Claimant with retroactive coverage to March 2012.
2. On August 13, 2012, the Department sent Claimant a Notice to Apply (DHS-1551) advising him that he was required to file an application for Supplemental Security Income (SSI) with the Social Security Administration (SSA) by August 23, 2012.
3. On September 5, 2012, the Department sent Claimant a Notice of Case Action denying the application because Claimant had failed to pursue benefits with SSA.

4. The Department did not send copies of the DHS-1551 or the Notice of Case Action to the AHR.
5. On February 7, 2013, the AHR filed a request for hearing, alleging the Department had failed to process Claimant's application.

CONCLUSIONS OF LAW

Department policies are found in the Department of Human Services Bridges Administrative Manual (BAM), the Department of Human Services Bridges Eligibility Manual (BEM), the Department of Human Services Reference Tables Manual (RFT), and the Department of Human Services State Emergency Relief Manual (ERM).

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

In the present case, the AHR requested a hearing to dispute the Department's action. During the hearing, the Department acknowledged that it erred in failing to send the AHR, who served as Claimant's AR during the application process, the DHS-1551 and Notice of Case Action denying Claimant's application. The AHR testified that Claimant had filed for SSI benefits in August 2012 and was approved by SSA effective October 2012.

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2). Soon after commencement of the hearing, the parties testified that they had reached a settlement concerning the disputed action. Consequently, the Department agreed to do the following: (1) reregister Claimant's June 27, 2012, MA application with retroactive coverage to March 2012; (2) begin reprocessing the MA application in accordance with Department policy; (3) if Claimant is eligible for any MA coverage, provide him with such coverage he is eligible to receive from March 2012, ongoing; and (4) notify Claimant and the AHR in writing of its decision in accordance with Department policy.


As a result of this settlement, Claimant no longer wishes to proceed with the hearing. As such, it is unnecessary for this Administrative Law Judge to render a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge concludes that the Department and Claimant have come to a settlement regarding Claimant's request for a hearing.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING:

1. Reregister Claimant's June 27, 2012, MA application with retroactive coverage to March 2012;
2. Begin reprocessing the MA application in accordance with Department policy;
3. If Claimant is eligible for any MA coverage, provide him with such coverage he is eligible to receive from March 2012, ongoing; and
4. Notify Claimant and the AHR in writing of its decision in accordance with Department policy.


Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 20, 2013

Date Mailed: June 20, 2013

NOTICE: Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request. (60 days for FAP cases)

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

ACE/pf

cc:

